IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 15980 of 2005

Between:

K.Mallikarjuna Reddy, S/o.Narayana Reddy,
R/o.D.No.13/2/271, Ramachandranagar, Anantapur district.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Anantapur Depot, Anantapur.
2 The Regional Manager, APSRTC, Anantapur Region, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the action of the respondents in not fixing the pay of the petitioner by granting notional increments as awarded by the Labour Court in I.D.No.309 of 1998 dt.25-1-2001 as illegal, arbitrary and in Violative of Article.14 of the Constitution of India, and consequentially direct the respondents to fix the pay of the petitioner by granting notional increments as awarded by the Labour Court, Anantapur in I.D.No.309 of 1998 dt.25-1-2001.

Counsel for the Petitioner: S.SURENDRA KUMAR

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the respondents in not implementing the award passed by the Labour Court in I.D.No.309 of 1998 dated 25-01-2001.

2. According to the petitioner, he was removed from service by proceedings of the respondents dated 22-12-1997 which was the subject matter of a dispute before the Labour Court in I.D.No.309 of 1998. The Labour Court after hearing both sides passed the award setting aside the order of removal and ordered reinstatement with continuity of service by granting notional increments but without any back wages. Now the grievance of the petitioner is that the respondents have not fixed up his pay by awarding notional increments as awarded by the Labour Court.

3 . Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

4. As it is clear from the award that the petitioner was granted the benefit of notional increments, the respondent-Corporation is obligated to fix up his pay taking into account the notional increments. The inaction on the part of the respondent is not proper and just.

5. Therefore, the respondent-Corporation is directed to fix up the pay of the petitioner taking into account the notional increments as was awarded by the Labour Court within a period of six weeks. As a result of the fixation of the pay taking into account the notional increments, if the petitioner is entitled for any arrears, the respondent-Corporation is also directed to pay the same within a further period of four weeks.

6. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

22nd July, 2005

SKM

Copy to:

1 The Depot Manager, APSRTC, Anantapur Depot, Anantapur.

2 The Regional Manager, APSRTC, Anantapur Region, Anantapur.

3 Two C.D. Copies.